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Docket No.: APA-0217
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuya MAEKAWA et al.

Application No.: 10/509,895

Confirmation No.: 2978

Filed: October 1, 2004

Art Unit: 2813

For: METHOD FOR SEVERING BRITTLE
MATERIAL SUBSTRATE AND SEVERING
APPARATUS USING THE METHOD

Examiner: H. A. Doty

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Election of Species Requirement dated August 10, 2006 (Paper No./Mail Date 20060802), Applicants respectfully submit that the United States Patent and Trademark Office incorrectly states that claims 1-54 are pending in the application. On October 1, 2004, Applicants filed their patent application along with a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 and a Letter of Clarification of Article 19 and 34 Amendments. The Letter of Clarification shows amendments to the specification and the claims of the 371 application. In particular, claim 54 is canceled without prejudice or disclaimer, claims 1-10, 13-17, 28, 30, 40-42 are amended and claims 55 and 56 are newly added.

Based upon the amendments of the international patent application that was filed under Articles 19 and 34, it is respectfully submitted that claims 1-53,

55 and 56 are pending in the application and not claims 1-54 as alleged by the United States Patent and Trademark Office.

It is respectfully submitted that the United States Patent and Trademark Office withdraw the current Election Species Requirement dated August 10, 2006, and issue a new Election of Species Requirement encompassing the currently pending claims under the unity of invention rules of 35 U.S.C. 371, if appropriate.

Further, assuming that the United States Patent and Trademark Office refuses to recognize the amendments to the claims under Articles 19 and 34, and in response to the Election of Species Requirement dated August 10, 2006, Applicants provisionally elect Species 1, with traverse. It is respectfully submitted that claims 1-11 and 30-38 read on the elected species.

Also, it is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search of the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP 803 which is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions" (emphasis added).

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Dated: September 11, 2006

Respectfully submitted,

By


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